



**Judicial
Watch**

*Because no one
is above the law!*

July 15, 2013

VIA EMAIL

Mr. Jefferson Garn
Deputy Attorney General
302 West Washington St.
Indiana Government Center South, 5th Floor
Indianapolis, IN 46204

**Re: Defendants' Responses to Plaintiffs Requests for Production of Documents
Judicial Watch and True the Vote v. King et al., Case 1:12-cv-00800-WTL-TAB**

Dear Jeff:

The purpose of this letter is to bring to your attention certain deficiencies with your clients' discovery responses and document productions in this case. In Plaintiffs' Request for Production No. 6 to Defendants Deckard and King, served on December 7, 2012, Plaintiffs asked for the following documents:

Communications between you and the Indiana County Voter Registration Officials concerning the State's efforts to conduct a general program that makes a reasonable effort to remove the names of ineligible voters from the official lists of eligible voters.

In that RFP, "you" was defined as anyone in the Indiana Election Division (IED), including the Defendants.

In response, your clients produced several IED operations and procedural guidebooks and manuals directed to the counties for list maintenance. However, your clients have failed to produce a single email between the IED and county officials, stating the following in their March 8, 2013 response:

The Indiana Election Division is still attempting to identify other communications responsive to this request and will supplement this response as those materials are identified. The Indiana Election Division's response is primarily limited to manuals, guidebooks, memos, presentations and other communications approved by both Co-Directions based upon holding in *Sammons v. Conrad*, 740 N.E.2d

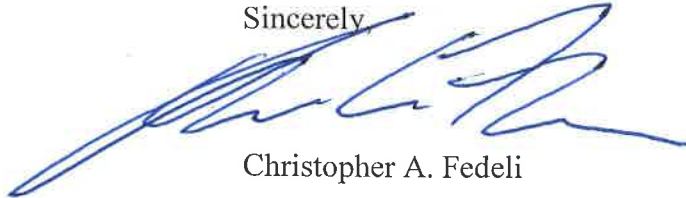
Mr. Jefferson Garn
July 15, 2013
Page Two

114 (Ind. 2000) that the Indiana Election Division cannot take official action without the approval of both Co-Directors.

To the extent you still plan to supplement your production with email communications, we ask you to do so promptly. To the extent you believe you may limit your production to only "official" communications from the IED to the counties, we disagree. All communications between the IED and the counties concerning list maintenance are both relevant to this lawsuit and discoverable, and therefore must be produced. Accordingly, please produce all email and other communications between the IED and the counties as soon as possible.

We hope the Defendants will correct this deficiency in their discovery responses and production promptly so that it will be unnecessary to involve the Court. Please call me if you wish to discuss the issue. I look forward to receiving the documents.

Sincerely,

A handwritten signature in blue ink, appearing to read "Chris Fedeli", written over the word "Sincerely,".

Christopher A. Fedeli

Cc: J. Christian Adams
Counsel of Record

Christopher Fedeli

From: Christopher Fedeli
Sent: Monday, July 15, 2013 12:51 PM
To: Jeff Garn (jefferson.garn@atg.in.gov)
Cc: donald.hostetler@atg.in.gov; 'anne.dufour@atg.in.gov'; 'jennifer.ross@atg.in.gov'; Paul Orfanedes; J. Christian Adams - Election Law Center (a@electionlawcenter.com); David Langdon (dlangdon@langdonlaw.com); Josh Bollinger (jbolinger@langdonlaw.com)
Subject: Judicial Watch and True the Vote v. King et al., Case 1:12-cv-00800-WTL-TAB
Attachments: Discovery Letter to Garn 7-15-2013.pdf

Tracking:	Recipient	Delivery
	Jeff Garn (jefferson.garn@atg.in.gov)	
	donald.hostetler@atg.in.gov	
	'anne.dufour@atg.in.gov'	
	'jennifer.ross@atg.in.gov'	
	Paul Orfanedes	Delivered: 7/15/2013 12:51 PM
	J. Christian Adams - Election Law Center (a@electionlawcenter.com)	
	David Langdon (dlangdon@langdonlaw.com)	
	Josh Bollinger (jbolinger@langdonlaw.com)	

Dear Jeff:

Please see the attached. I look forward to your response.

Chris Fedeli | **Judicial Watch, Inc.**
425 Third Street, SW | Washington, DC 20024
Tel: (202) 646-5185 | CFedeli@judicialwatch.org
www.judicialwatch.org

